

Peter R. Ginsberg, Esq. (PG6712)  
 Patrick Gaffney, Esq. (PG1584)  
**CROWELL & MORING LLP**  
 153 East 53<sup>rd</sup> Street  
 New York, NY 10022  
 (P): 212-223-4000  
 (F): 212-223-4134

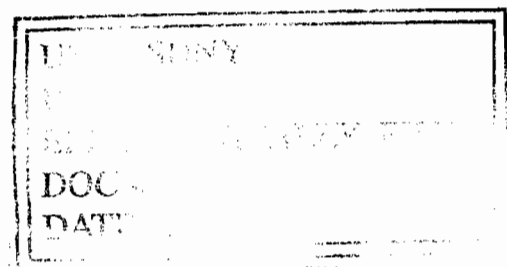
**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK**

<hr/>		<b>x</b>
<b>MERRILL HERMAN AND</b>	:	
<b>SHARRON DUPLER,</b>	:	
	:	
<b>Plaintiffs</b>	:	<b>07 Civ. 10263 ( )</b>
	:	
<b>versus</b>	:	
	:	<b>STIPULATION OF PUBLIC</b>
<b>DAVID BERSON, DAREMY COURT</b>	:	<b>VOLUNTARY DISMISSAL</b>
<b>QUALIFIED VENTURES, L.L.C.,</b>	:	<b>OF DEFENDANT</b>
<b>DAREMY COURT XIV, INC. and</b>	:	<b><u>FISERV, INC.</u></b>
<b>FISERV, INC.,</b>	:	
	:	
<b>Defendants</b>	:	
<hr/>		<b>x</b>

Plaintiffs Merrill Herman and Sharron Dupler ("Plaintiffs"), by their attorneys Crowell & Moring LLP, and Defendant Fiserv, Inc., by their attorneys Reed Smith, stipulate and agree as follows:

1. Plaintiffs hereby dismiss with prejudice the above-referenced action against Fiserv, Inc. only; and
2. Plaintiffs hereby reserve all of their rights to file for arbitration of any and all of their claims against Fiserv Trust; and

NYIWDMS: 10371992\_1



3. Each side shall bear its own costs.

Dated: January 14, 2008  
New York, New York

**CROWELL & MORING LLP**

By: Patrick Gaffney  
Peter R. Ginsberg, Esq. (PG6712)  
Patrick Gaffney, Esq. (PG1584)  
153 East 53<sup>rd</sup> Street  
New York, New York 10022  
T: (212) 223-4000  
F: (212) 223-4134

Attorneys for Plaintiffs  
Merrill Herman and Sharron  
Dupler

**REED SMITH LLP**

By: Wendy H. Schwartz  
Wendy H. Schwartz, Esq.  
599 Lexington Avenue  
New York, New York 10022  
T: (212) 521-5400  
F: (212) 521-5450

Attorneys for Defendant  
Fiserv, Inc. and for  
Fiserv Trust.

So Ordered:

Stephen C. Robinson  
Hon. Stephen C. Robinson, U.S.D.J.

NYIWDMS: 10371992\_1

January 29, 2008  
and the following day